

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ELAINE RICE, Individually and on : No. 4:15-cv-0371-MWB
behalf of others similarly situated, :


Plaintiff,

v.

ELECTROLUX HOME
PRODUCTS, INC.,

Defendant.

: Judge Brann

FILED
WILLIAMSPORT
SEP 29 2016
PER 
DEPUTY CLERK

**STIPULATION CLARIFYING AND MODIFYING
CASE MANAGEMENT DEADLINES**

The Parties hereby stipulate to, and request that the Court approve, the following clarifications and modifications to the Order entered on July 18, 2016 (ECF No. 83) granting the Parties' Stipulation to Extend Case Management Deadlines:

1. On July 15, 2016, the Parties entered into a Stipulation to Extend Case Management Deadlines, which was entered by the Court on July 18, 2016. ECF No. 83.

2. In that approved Stipulation, the Parties agreed that "[a]ll other provisions of the Case Management Order [Dkt. No. 29], as amended by the June 16, 2016 [Dkt. No. 81], shall remain in force." ECF No. 83, ¶6.

3. Various case management orders (ECF Nos. 64, 81, 83) have revised some, but not all, of the deadlines established in the Court's September 15, 2015 Order. By way of example, the deadline for exchanging expert reports remains unchanged despite the fact that the deadlines for Plaintiff's Motion for Class Certification and for the close of fact discovery were reset. The Parties believe that the schedule for the exchange of expert reports filed in connection with class certification, and any Daubert challenges, should be consolidated with and conformed to the class certification briefing schedule.

4. Therefore, having met and conferred regarding all remaining case management deadlines in light of the current status of discovery and the existing schedule set by the Court, the Parties hereby request that the following additional modifications and/or clarifications be made to the case management schedule:

a. On or before December 23, 2016, Plaintiff will file and serve: (i) Motion for Class Certification, limited to thirty-five (35) pages; (ii) Expert Disclosures pursuant to Rule 26(a)(2) relating to class certification;

b. On or before February 24, 2017, Defendant may take the deposition of Plaintiff's expert(s) and file and serve: (i) any opposition to Plaintiff's Motion for Class Certification, limited to thirty-five (35)

pages; (ii) Expert Disclosures pursuant to Rule 26(a)(2); and (iii) any Daubert challenge to Plaintiff's expert(s), limited to fifteen (15) pages;

c. On or before March 24, 2017, Plaintiff may take the deposition of Defendant's expert(s) and file and serve: (i) any reply in further support of Plaintiff's Motion for Class Certification, limited to fifteen (15) pages; (ii) any rebuttal expert reports¹; (iii) any opposition to any Daubert challenge of Plaintiff's expert(s), limited to fifteen (15) pages; and (iv) any Daubert challenge of Defendant's expert(s), limited to fifteen (15) pages;

d. On or before April 7, 2017, Defendant will file and serve: (i) any reply to its Daubert challenge of Plaintiff's expert(s), limited to ten (10) pages; and (ii) any opposition to any Daubert challenge of Defendant's expert(s), limited to fifteen (15) pages;

e. On or before April 17, 2017, Plaintiff will file and serve any reply to her Daubert challenge of Defendant's expert(s), limited to ten (10) pages;

f. The fact discovery end date is reset to January 10, 2017.

¹ In the event that Plaintiff serves any rebuttal expert reports, Defendant reserves its right to seek leave of Court to file a Daubert challenge to Plaintiff's rebuttal expert(s); file its own rebuttal report; or file a sur-reply. Plaintiff reserves her right to oppose such a request.

g. The Parties shall meet and confer about the remainder of the schedule and submit a proposal to the Court within 15 days of the Court's ruling on Plaintiff's Motion for Class Certification and the Parties' respective Daubert motions, if any.

Respectfully Submitted,

DATE: September 28, 2016

By: /s/ Michael S. Nelson
Michael S. Nelson (PA 78846)
K&L GATES LLP
K&L Gates Center
210 Sixth Avenue
Pittsburgh, PA 15222
P: 412.355.6245
F: 412.355.6501
michael.nelson@klgates.com

*Attorneys for Electrolux Home
Products, Inc.*

By: /s/ Charles J. Kocher
Simon B. Paris
Patrick Howard (PA ID #88572)
Charles J. Kocher (PA ID #93141)
SALTZ, MONGELUZZI, BARRETT
& BENDESKY, P.C.
1650 Market Street, 52nd Floor
Philadelphia, PA 19103
Telephone: (215) 496-8282
Fax: (215) 496-0999
sparis@smbb.com
phoward@smbb.com
ckocher@smbb.com

Daniel E. Gustafson
Jason S. Kilene
Sara J. Payne
Gustafson Gluek PLLC
Canadian Pacific Plaza
120 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Telephone: (612) 333-8844
Fax: (612) 339-6622
dgustafson@gustafsongluek.com
jkilene@gustafsongluek.com
spayne@gustafsongluek.com

Attorneys for Plaintiff and Proposed
Classes

Approved by the Court:

A handwritten signature in cursive script, reading "Matthew W. Brann", written over a horizontal line.

Matthew W. Brann
United States District Judge

September 29, 2016